

RECEIVED
CENTRAL FAX CENTER

001/007

JUN 16 2005

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:	Clancy, Bybee, Friedrich
Application No.:	10/664223
Filed:	September 17, 2003
For:	FIXED CANARD 2-D GUIDANCE OF ARTILLERY PROJECTILES
Examiner:	B. E. Gregory
Group Art Unit:	3662
Firm Docket No.:	A39.2B-10912-US01

RECEIVED
OIPE/IAP

MAIL STOP PETITIONS

DATE: June 15, 2005 TIME: 3²⁹ FACSIMILE NO.: 1-703-872-9306
TOTAL NUMBER OF PAGES (including transmittal letter): 7

JUN 17 2005

FACSIMILE TRANSMITTAL LETTER

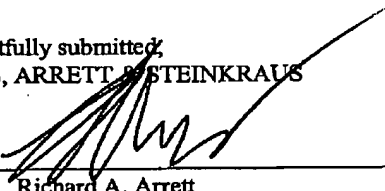
Following please find a 2 pg Petition for Revival with PTOL-85 form for paying issue fee; 2 page Statement of Unintentional Abandonment of Application with attachment, ; and 1 page Facsimile Transmittal Letter.

With respect to fees: ☐ No additional fee is believed to be required
☒ Charge \$1500.00 Petition Fee and \$1700 issue fee to our Deposit Account No. 22-0350

Conditional Petition

If any extension of time for the accompanying response is required or if a petition for any other matter is required, applicant requests that this be considered a petition therefore.

If any additional fees associated with this communication are required and have not otherwise been paid, please charge the additional fees to Deposit Account No. 22-0350. Please credit overpayment associated with this communication to the Deposit Account No. 22-0350.

Respectfully submitted,
VIDAS, ARRETT & STEINKRAUSDate: June 16, 2005By: 
Richard A. Arrett
Registration No.: 33153

6109 Blue Circle Drive, Suite 2000
Minnetonka, MN 55343-9185
Telephone: (952) 563-3000
Facsimile: (952) 563-3001

f:\wpwork\raa\10912us01_tra_20050615.doc

Certificate of Transmission

I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office, Fax No. 1-703-872-9306, on June 16, 2005.

Signature: 
Julie Emerson

JUN 16 2005

PTO/SB/64 (09-04)

Approved for use through 07/31/2006. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)	Docket Number (Optional) A39.2-10912
--	--

First named inventor: Clancy, Bybee, Friedrich

Application No.: 10/664223 Art Unit: 3662

Filed: September 17, 2003 Examiner: B. E. Gregory

Title: FIXED CANARD 2-D GUIDANCE OF ARTILLERY PROJECTILES

Attention: Office of Petitions
Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450
FAX (703) 872-9306

NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (703) 305-9282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the office notice or action plus an extensions of time actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee - required for all utility and plant applications filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional.

1. Petition fee
☐ Small entity-fee \$ _____ (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.
☒ Other than small entity - fee \$ 1500.00 (37 CFR 1.17(m))

2. Reply and/or fee
 A. The reply and/or fee to the above-noted Office action in the form of _____ (Identify type of reply):
☐ has been filed previously on _____
☐ is enclosed herewith.
 B. The issue fee and publication fee (if applicable) of \$ 1700.00
☐ has been paid previously on _____
☒ is enclosed herewith.

[Page 1 of 2]

This collection of information is required by 37 CFR 1.137(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

PTO/SB/64 (09-04)
 Approved for use through 07/31/2006. OMB 0851-0031
 U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

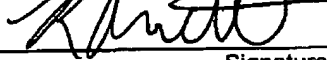
3. Terminal disclaimer with disclaimer fee

☒ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.

☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ _____ for a small entity or \$ _____ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D)).] **ATTACHED SEPARATELY**

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

	6-16-05
Signature	Date
Richard A. Arrett	33,153
Typed or printed name	Registration Number, if applicable
Suite 2000, 6109 Blue Circle Drive	952-563-3000
Address	Telephone Number
Minnetonka, MN 55343	
Address	

Enclosures: ☒ Fee Payment

☐ Reply

☐ Terminal Disclaimer Form

☒ Additional sheets containing statements establishing unintentional delay

☐ Other: _____

CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]

I hereby certify that this correspondence is being:

☐ Deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.

☒ Transmitted by facsimile on the date shown below to the United States Patent and Trademark Office as (703) 872-9306.

6-16-05
Date


Signature

Julie K. Emerson

Typed or printed name of person signing certificate

PATENT**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of:	Clancy, Bybee, Friedrich
Application No.:	10/664223
Filed:	September 17, 2003
For:	FIXED CANARD 2-D GUIDANCE OF ARTILLERY PROJECTILES
Group Art Unit:	3662

Mail Stop **PETITION**
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450
Fax: (703) 308-6916

Docket No.: A39.2B-10912-US01

STATEMENT OF UNINTENTIONALLY ABANDONMENT OF APPLICATION

The above-identified application became abandoned for failure to file a timely and proper pay the final issue fee which was due April 4, 2005.

Applicant's attorneys' statement is set out below which is filed with the Petition For Rival Of An Application For Patent Abandoned Unintentionally Under 37 CFR 1.137(b).

The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. An executed copy of Patent Office Form PTOL-85 was inadvertently faxed to 703-746-6000 instead of the correct fax number - 703-746-4000. As shown in the attachment to this Statement, a "TX Report" was received in Applicant's attorneys' office indicating that the fax transmission was successful, however at the time, it was not noted that the fax number was in error.

Application No.: 10/664223
Page 2
Attorney Docket No:
A39.2B-10912-US01

***Petition for Revival of an Application for Patent
Abandoned Unintentionally Under 37 CFR 1.137(b)***

Applicant's attorneys request that the above application be reinstated.

Respectfully submitted,

VIDAS, ARRETT & STEINKRAUS

Date: June 16, 2005

By: 

Richard A. Arrett
Registration No.: 33153

6109 Blue Circle Drive, Suite 2000
Minnetonka, MN 55343-9185
Telephone: (952) 563-3000
Facsimile: (952) 563-3001
f:\wpwork\raa\10912us01_rev_20050606.doc

06/16/05 15:19 FAX 952 563 3009

007/007

02/16/05 16:19 FAX 952 563 3009

001

*** TX REPORT ***

TRANSMISSION OK

TX/RX NO 4581
CONNECTION TEL 917037468000
SUBADDRESS
CONNECTION ID
ST. TIME 02/16 16:17
USAGE T 01'56
PGS. SENT 3
RESULT OK

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Clancy, Bybee, Friedrich
Application No.: 10/664223
Filed: September 17, 2003
For: FIXED CANARD 2-D GUIDANCE OF ARTILLERY
PROJECTILES
Examiner: B. E. Gregory
Group Art Unit: 3662
Firm Docket No.: A39.2B-10912-US01

Mail Stop Issue Fee

DATE: February 16, 2005 TIME: 3:12 PM FACSIMILE NO.: 1-703-746-6000
TOTAL NUMBER OF PAGES (including transmittal letter): 3

FACSIMILE TRANSMITTAL LETTER

Following please find a 1 page PTOL-85 Form for paying issue fee with duplicate copy; and 1 page Facsimile Transmittal Letter.

With respect to fees: ☐ No additional fee is believed to be required
☒ Charge \$1700.00 fee to our Deposit Account No. 22-0350

Conditional Petition

If any extension of time for the accompanying response is required or if a petition for any other matter is required, applicant requests that this be considered a petition therefore.

If any additional fees associated with this communication are required and have not otherwise been paid, please charge the additional fees to Deposit Account No. 22-0350. Please credit overpayment associated with this communication to the Deposit Account No. 22-0350.

Respectfully submitted
VIDAS, ARRETT, STEINKRAUS

Date: February 16, 2005

By: _____